

REMARKS

This is in response to the Office Action mailed November 2, 2006. In the Office Action, claims 17-30 were rejected as being based upon a defective re-issue declaration under 35 U.S.C. §251. Section One of the Office Action indicated that the original oath was allegedly defective since it did not mention the Preliminary Amendment. In response, Applicant respectfully submits herewith, under separate paper, a Supplemental Declaration of inventor Kielb. Applicant respectfully notes that the Supplemental Declaration lists the amendment of October 7, 2003. Accordingly, Applicant respectfully submits that the alleged defect of the original declaration has now been cured. Thus, Applicant respectfully believes that the rejection of claims 17-30 may be withdrawn.

Section Three of the Office Action indicated that a Supplemental Declaration is needed for the amendment filed February 17, 2006 as well as the Preliminary Amendment. Moreover, Section Three indicated that the Declaration should include a "deceptive intent" clause. Applicant respectfully submits that the Supplemental Declaration complies with all of the requirements of Section Three of the Final Office Action.

Section Four of the Office Action indicated that the re-issue Oath/Declaration filed with this application was defective because it allegedly failed to contain a statement that all errors which are being corrected in the re-issue application up to the time of filing of the Oath/Declaration arose without any deceptive intention on the part of Applicant. Although Applicant respectfully notes that page two of the original Declaration did provide, "All errors corrected in this re-issue application arose without any deceptive intention on the part of the Applicant." Applicant respectfully notes that the Supplemental Declaration also addresses this concern. Accordingly, Applicant respectfully

submits that the issue identified in Section Four of the Office Action has now been addressed.

Section Five of the Office Action indicated that the Amendment filed February 17, 2006 was allegedly improper for failing to comply with 37 C.F.R. §1.173. Applicant has reviewed 37 C.F.R. §1.173, and respectfully believes that it failed to comply for two reasons.

First, amended claim 17 used an improper status identifier. Specifically, claim 17 used the "Currently Amended" status identifier when 37 C.F.R. §1.173 indicates that if a claim in a re-issue application is amended twice, that the status identifier should read "Twice Amended." Thus, with this Amendment After Final, Applicant respectfully believes that that issue has been addressed.

Second, 37 C.F.R. §1.173 indicates that, "Whenever there is an amendment to the claims pursuant to paragraph (b) of this section, there must also be supplied, on pages separate from the pages containing the changes, the status as of the date of the amendment, of all patent claims and of all added claims, and an explanation of the support in the disclosure of the patent for the changes made to the claims." Applicant respectfully submits that all claims 1-30 (1-16 of the original patent and claims 17-30 added with the Preliminary Amendment of October 7, 2003) are currently pending as of the date of this amendment.

Applicant respectfully submits that support in the disclosure of the patent for the change made to independent claim 17 is provided in column 3, lines 47-49. Additional support is also found in column 3, lines 51-54. Accordingly, Applicant respectfully submits that the status of all claims has been set forth in compliance with 37 C.F.R. §1.173. Additionally, Applicant respectfully submits that support for the subject matter added to claim 17 has also been set forth in compliance with 37 C.F.R. §1.173. Regarding non-amended claims, 37 C.F.R. §1.173

appears to be silent. Accordingly, the status of those claims reflects current amendment practice (i.e. Previously Presented).

In conclusion, Applicant respectfully submits that all objections and rejections set forth in the Final Office Action have been overcome. Entry and consideration of this Amendment After Final is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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